

EXHIBIT 1-40

HIGHLY CONFIDENTIAL – FOR ATTORNEYS’ EYES ONLY

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

USAMA JAMIL HAMAMA, et al.,

Petitioners and Plaintiffs,

v.

REBECCA ADDUCCI, et al.,

Respondents and Respondents.

Case No. 2:17-cv-11910

Hon. Mark A.

Goldsmith

Mag. David R. Grand

Class Action

**RESPONDENT/DEFENDANT U.S. DEPARTMENT OF HOMELAND
SECURITY’S SUPPLEMENTAL RESPONSE TO
PETITIONER/PLAINTIFF USAMA JAMIL HAMAMA’S FIRST SET OF
INTERROGATORIES**

I. PRELIMINARY STATEMENT

Respondent U.S. Department of Homeland Security (“DHS”) has not, at this time, fully completed its discovery and investigation in this action. All information contained herein is based solely upon such information and evidence as is available and known to Respondent DHS upon information and belief at this time. Further discovery, investigation, research and analysis may supply additional facts, and meaning to currently known information. Consistent with Fed. R. Civ. P. 26(e), Respondent DHS will amend any and all responses herein as additional facts are ascertained, legal research is completed, and analysis is undertaken. The responses herein are made in a good faith effort to supply as much information as is known to Respondent DHS at this time, consistent with the positions set forth in the Joint Statement of Issues, ECF No. 235.

II. SUPPLEMENTAL INTERROGATORY RESPONSE

12. The name, title and department of the government (for both Iraq and the United States) of each individual negotiating the Iraqi Agreement, including the “ongoing diplomatic negotiations” referenced in the declaration of Michael V.

Bernacke at paragraph 4 (ECF 184-2, Pg.ID# 5070-71), identification of the individuals authorized to enter into any agreement reached by the governments regarding the repatriation of Iraqi Nationals, and the date each individual engaged in the “ongoing diplomatic negotiations.”

RESPONSE:

Respondent DHS objects to this interrogatory to the extent it calls for information relied upon by Michael Bernacke in his declaration, ECF 184-2, because DHS did not participate in the drafting or review of that declaration. DHS objects to this interrogatory, as the “name, title and department of the government (for both Iraq and the United States) of each individual negotiating the Iraqi Agreement” do not affect the terms of any agreement, to the extent one exists. Subject to the foregoing privileges, Respondent DHS did not participate in “negotiations” but did participate in discussions with participants from the Government of the United States and Iraq on June 23, 2017, December 5, 2017 and January 9, 2018.

On June 23, 2017, DHS Deputy Assistant Secretary for International Engagement Matthew King and ICE Deputy Director and Senior Official Performing the Duties of the Director Thomas Homan spoke by telephone with Ambassador Fareed Mustafa Kamil Yasseen, Embassy of the Republic of Iraq in Washington, DC.

On December 5, 2017, the U.S. Government primarily was represented by Ambassador (ret.) James Nealon, Assistant Secretary for International Affairs, at a meeting in which a variety of issues, including the repatriation of Iraqi Nationals, was discussed. Ambassador Nealon was accompanied by additional DHS personnel, including Deputy Assistant Secretary for International Engagement Matthew H. King; (Former) Deputy Counterterrorism Coordinator for Policy Thomas Warrick; Principal Director and Senior Advisor, Information Sharing Policy Michael Scardaville; (Former) Director for Middle East, Africa, South Asia Kenneth Holt; Deputy Director for Middle East, Africa, South Asia Alexander Kisselburg; John Olson, Middle East Team, Travel and Immigration Branch. Representatives from the U.S. Department of State, Office of Iraq Affairs, including Kris Clark, Political Officer and David Nobles, Deputy Director also were present for the meeting. The Government of Iraq participants included Deputy Foreign Minister Nazar Issa Abdulahadi Al-Khirullah; Advisor to the Deputy Foreign Minister Imad Mohammed Mirza; Ambassador Ahmed Kamal Hasan Al-Kamaly; Advisor to the Deputy Foreign Minister Salwan Rasheek Anjo;

Ambassador Fareed Mustafa Kamil Yasseen; and First Secretary, Embassy of the Republic of Iraq in Washington, DC Wathiq Ibrahim Mohammed AlHamman.

On January 9, 2018, the U.S. Government primarily was represented by John Schultz, Deputy Assistant Director, Enforcement and Removal Operations and Michael Bernacke, Unit Chief, Enforcement and Removal Operations, for Respondent ICE. Representatives from Respondent DHS attended, including (Former) Director for Middle East, Africa, South Asia Kenneth Holt; and Deputy Director for Middle East, Africa, South Asia Alexander Kisselburg. Representatives from the U.S. Department of State, Office of Iraq Affairs, including Political Chief, Office of Iraq Affairs Derek Hoffman; Political Officer, Office of Iraq Affairs Kris Clark; Deputy Director, Office of Iraq Affairs David Nobles also were present for the meeting. The Government of Iraq participants included Deputy Chief of Mission, Minister Plenipotentiary Mohamad Jawad Mahdi Alquraishi; First Secretary Yarub Abduljabbar Hatem Al-Anpaqi; First Secretary Wathiq Ibrahim Mohammed Alhamman; Second Secretary Ahmed Hashim Salih Utaifa; Deputy Foreign Minister Deputy Foreign Minister Nizar Issa Abdul-Hadi Al-Khairalla.

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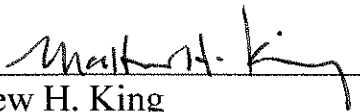
VERIFICATION

I, Matthew H. King declare under penalty of perjury:

I am employed by the U.S. Department of Homeland Security, Office of International Affairs, as the Deputy Assistant Secretary, Office of International Engagement.

I have read and know the contents of these responses. These responses were prepared after obtaining information available to DHS through its officers and employees and through its documents and records. These responses, subject to inadvertent and undiscovered errors, are based upon, and necessarily limited by, the records and information still in existence, able to be located, presently recollected, and thus far discovered in the course of preparing these responses. The responses regarding DHS are true and correct to the best of my knowledge, information, and belief.

Executed on 7 June 2018


Matthew H. King
Deputy Assistant Secretary
Office of International Engagement
U.S. Department of Homeland Security